

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

JUAN SEGOVIA and VICTOR FLORES,
on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

CIVIL NO. SA-17-CV-1246-JKP

FUELCO ENERGY LLC,

(Consolidated with
Case No. SA-19-CV-1129-JKP)

Defendant.

ORDER REGARDING MOTION

Before the Court is Plaintiff's Motion for Attorneys' Fees and Costs (ECF No. 176). The motion is fully briefed and ready for ruling. The Court previously dismissed this collective action with prejudice in accordance with a stipulation of dismissal signed by all parties in accordance with Fed. R. Civ. P. 41(a)(1)(ii). *See* ECF No. 175. That order includes the following pertinent language:

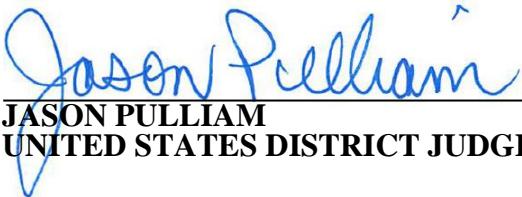
As to the motion to be filed, the Court notes that upon consent of all parties, a Magistrate Judge "may conduct any or all proceedings" in a civil case, including entry of a final judgment. *See* 28 U.S.C. § 636(c). Accordingly, the parties are reminded that they may, at their option, consent to proceed before the Magistrate Judge for resolution of the motion to be filed. Plaintiffs shall state in an opening paragraph of their motion or in a separate filing whether they consent to the assigned Magistrate Judge hearing the motion for all purposes under § 636(c). If Plaintiffs so consent, then Defendant shall state whether it consents to such authority under § 636(c) in its response to the motion or in a separate filing. At this stage of the litigation, such consent may provide a more efficient and expeditious means to resolve the remaining matters. But, as always, such voluntary consent is optional and the decision to consent or not lies completely within each party. The parties are free to withhold consent without adverse consequences.

See id.

The opening paragraph of Plaintiffs' motion lacks any statement as to consent. And the Court is unaware of any separate filing as to their consent. Nevertheless, in response, Defendant states that it consents to proceeding with this motion before the Magistrate Judge assigned to this

case. *See* ECF No. 179. In view of this sequence of filings, the Court is unsure whether Plaintiffs have consented to having this motion referred to the assigned Magistrate Judge for all purposes. Thus, for the purposes of clarity, Plaintiffs shall file a Notice to the Court that either expressly consents to referring this motion to the assigned Magistrate Judge under § 636(c) or expressly withdraws such consent. The Court re-emphasizes that any consent is entirely voluntary and withholding consent will have no adverse consequences. Consent is optional and the decision to consent or not lies completely within the decision of Plaintiffs. The Notice to the Court is **due on or before July 18, 2023.**

IT IS SO ORDERED this 27th day of June 2023.



JASON PULLIAM
UNITED STATES DISTRICT JUDGE